

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 25 2017 ★

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ARMANDO CAZAREZ,

BROOKLYN OFFICE

Plaintiff,

-against-

ATLANTIC FARM & FOOD INC. doing
Business as ATLANTIC FARM & FOOD
MARKET, GURCHARN SINGH, and
TARLOCHAN SINGH,

NOT FOR PUBLICATION
ORDER

15-CV-2666 (CBA) (RML)

Defendants.

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AMON, United States District Judge:

The Court has received the Report and Recommendation (“R&R”) of the Honorable Robert M. Levy, United States Magistrate Judge, recommending that Plaintiff’s motion for default judgment be granted and that Plaintiff be awarded \$29,813.76, consisting of \$10,642.08 in unpaid compensation, \$514.80 in spread of hours premiums, \$11,156.88 in liquidated damages under state law, \$2,500.00 in statutory penalties for wage notice violations, and \$5,000.00 in statutory penalties for wage statement violations. Magistrate Judge Levy further recommended that Plaintiff be awarded prejudgment interest on his compensatory damages of \$11,156.88, calculated at a rate of nine percent per annum from February 4, 2014 to today, as well as postjudgment interest. Finally, Magistrate Judge Levy recommended that Plaintiff be awarded \$11,205.00 in attorney’s fees and \$647.59 in costs. (See D.E. # 39.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R “to which no timely objection has been made, a district court need only

satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)).

The Court has reviewed the thorough and careful R&R and the record and, finding no clear error, adopts Magistrate Judge Levy’s recommendation as the opinion of the Court. Accordingly, as described above, Plaintiff’s motion for default judgment is granted, and Plaintiff is awarded \$41,666.35 (consisting of damages, attorney’s fees, and costs), plus prejudgment interest calculated at a rate of nine percent per annum from February 4, 2014, to today, and postjudgment interest. The Clerk of Court is directed to enter judgment accordingly and to close the case.

SO ORDERED.

Dated: August 24, 2017
Brooklyn, New York

s/Carey Bagley Amon

Carol Bagley Amon /
United States District Judge